

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN DOE,

*Plaintiff,*

**NOTICE OF MOTION**

*-against-*

1:21-cv-0036

ANDREW CUOMO, Governor of the  
State of New York, and MICHAEL C.  
GREEN, Executive Deputy Commissioner,  
New York State Division of Criminal  
Justice Services, in their official capacities,

(GLS/DJS)

*Defendants.*

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PLEASE TAKE NOTICE that, upon the Complaint filed January 12, 2021, and the accompanying Memorandum of Law in Support of the Motion To Dismiss on behalf of defendants Andrew Cuomo and Michael C. Green, dated March 19, 2021, and upon all other papers by and between the parties to this action, on a date and time to be determined by the Court, on submission of the papers, will make a motion at the United States District Court, Northern District of New York, Albany, New York, for an order and judgment pursuant to Rule 12(b)(6) and/or Rule 12(b)(1) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety, with prejudice, together with such other and further relief as to the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7.1 of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with the Court and served upon counsel for the defendants no later than twenty-one (21) days before the return date of the

motion.

I hereby declare, certify and affirm as true and correct under penalty of perjury, pursuant to 28 USC §1746, that on the date below I served all papers in connection with this motion upon those listed below via the court's CM/ECF system, pursuant to FRCP 5(b)(3) and L.R. 5.1.1. (General Order 22 §5.2).

Dated: Albany, New York  
March 19, 2021

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